

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JC978 U.S. PTO  
10/014106  
12/11/01

#4  
T.D.  
07/16/02

In re Patent Application of: ) GAU:  
 )  
 Kyle G. Brown, Stephen Glen ) Examiner:  
 Graham, Steven M. Miller and )  
 Mark Douglas Weitzel ) INFORMATION DISCLOSURE  
 ) STATEMENT  
 )  
 Application No.: Not Yet Filed )  
 ) 2600 Aramark Tower  
 Filed: December 11, 2001 ) 1101 Market Street  
 ) Philadelphia, PA 19107  
 )  
 For: METHOD AND APPARATUS FOR )  
 DYNAMIC RECONFIGURATION )  
 OF WEB SERVICES )  
 INFRASTRUCTURE )

The Assistant Commissioner of  
 Patents and Trademarks  
 Washington, D.C. 20231

CERTIFICATE OF MAILING  
I hereby certify that this correspondence is  
being deposited with the United States Postal  
Service First Class Mail in an envelope  
addressed to: The Commissioner for Patents and  
Trademarks, Washington, D.C. 20231, on  
December 11, 2001.

  
Denise Grisack

Sir:

Applicants submit herewith patents, publications or other information [attached hereto and listed on the attached Form PTO-1449 (modified)] of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement:

- (a)  accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).
- (b)  is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.

- (c) [ ] as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits.
- (d) [ ] is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$230) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below.
- (e) [ ] is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$130) set forth in 37 CFR § 1.17(i)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.
- (f) [ ] is filed before the mailing of a first office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

[If either of boxes (d) or (e) are checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.]  
The undersigned certifies that:

- (g) [ ] Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- (h) [ ] No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

A copy of the items on PTO-1449 (Modified) is supplied herewith:

- (i) [X] each (j) [ ] none (k) [ ] only those listed below:

Those patent(s) or publication(s) which are marked with an asterisk (\*) in the attached form PTO-1449 (Modified) are not supplied because they were previously cited by or submitted to the Office in a prior application Serial No. \_\_\_\_, filed \_\_\_\_ and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

A concise explanation of relevance of the items listed on form PTO-1449 (Modified) is:

- (l) [ ] not given  
(m) [ ] given for each listed item  
(n) [X] given for only non-English language listed item(s)  
[Required]  
(o) [ ] is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references [copy attached].

REMARKS REGARDING CITED ART

The Examiner is reminded that a "concise explanation of the relevance" of the submitted items "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37

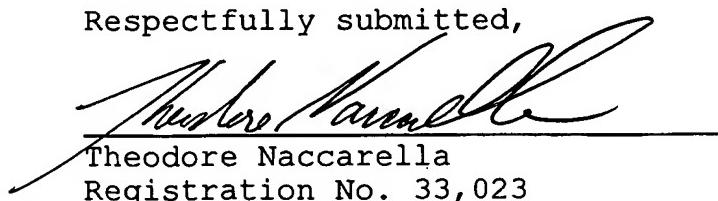
CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

[X] The Commissioner is hereby authorized to charge our Deposit Account No. 12-2325 for any fees required in connection with the filing of this Information Disclosure Statement. **A duplicate copy of this Notice is enclosed for this purpose.** In particular, in the event that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is authorized to charge the above-named deposit account for any fees required pursuant to CFR §§ 1.17(p) or 1.17(i)(1).

Dated: 12.11.01

Respectfully submitted,



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<b>Form PTO-1449 Modified</b>		<b>Docket No.</b>	<b>Application No.</b>
<b>List of Patents and Publications Cited by Applicant</b> <b>(Use several sheets if necessary)</b>		RSW920010188	Not Yet Assigned
<b>U.S. Department of Commerce Patent and Trademark Office</b>		<b>Applicant(s)</b> Kyle G. Brown, Stephen Glen Graham, Steven M. Miller and Mark Douglas Weitzel	
		<b>Filing Date</b> December 11, 2001	<b>Group</b> N/A

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 HC973  
 10/014106



### U.S. PATENT DOCUMENTS

Examiner Initials		Document No.	Date	Name	Class	Subclass
	AA	6,148,335	Nov. 14, 2000	Haggard et al.	709	224
	AB	6,175,869	Jan. 16, 2001	Ahuja et al.	709	226
	AC	6,289,377	Sept. 11, 2001	Lalwaney et al.	709	222
	AD	6,266,774 B1	July 24, 2001	Sampath et al.	713	201
	AE	6,161,128	Dec. 12, 2000	Smyk	709	205
	AF	6,279,001 B1	Aug. 21, 2001	DeBettencourt et al.	707	10

### FOREIGN PATENT DOCUMENTS

Examiner Initials		Document No.	Date	Country	Translation	
					Yes	No
		WO 00/77747 A1	May 23, 2000	PCT		X
		WO 01/15039 A1	Aug. 17, 2000	PCT	X	
		JP 10105388 A	April 24, 1998	Japanese		X
		EPO 967545 A1	Dec. 29, 1999	European		X
		EP 1049031 A2	Nov. 2, 2000	European		X
		JP 11219391 A	Jan. 4, 1998	Japanese		X

<b>OTHER PUBLICATIONS</b> (Including Author, Title, Date Pertinent Pages, Etc.)	
	Chenyang Lu; TF Abdelzaber; JA Stankovic; SH Son, A Feedback Control Approach for Guaranteeing Relative Delays in Web Servers, Proceedings Seventh IEEE Real-Time Technology and Applications Symposium, Taipei, Taiwan, May 30-June 1, 2001 Sponsored by : IEEE Comput. Soc. Tech, Committee on Real-Time Syst.
	Abstract of G. Graef; M Gaedke, Construction of Adaptive Web-Applications from Reusable Components, Electronic Commerce and Web Technologies. First International Conference, EC-Web 2000. Proceedings (Lecture Notes in Computer Science Vol. 1875), London, UK, 4-6 Sept. 2000
	Abstract of AC Lim; JN Milligan, Building Mission Critical Systems in Internet Time: a report from front lines, Information Strategy: The Executive's Journal, vol. 15, no. 3, pp. 13-17, Spring 1999
	Dynamic Internet Adaption based on a Measured Connection Speed, Article 133, page 143, International Business Machines Research Disclosure, Jan. 2001
	Method for Generating Advertising Revenue, based on Real-Time Usage of a Web Service, Article 135, page 1122, International Business Machines Research Disclosure, June 2000
Examiner	Date Considered